



Appl. No. : 10/672,670

Applicant : Daniel W. Parmley

Filed : September 27, 2003

TC/A.U. : 3644

Examiner : J. Woodrow Eldred

Docket No. : TEO3001

Commissioner for Patents

P.O. Box 1450

Alexandria VA 22313-1450

## RESPONSE TO FIRST OFFICE ACTION

Sir:

In response to the First Office Action, please consider the following traverse:

### REMARKS/ARGUMENTS

#### Anticipation

The Examiner has rejected Claims 1, 10-12, 19-22, 24, 25, and 27 under 35 USC 102(b) as being clearly anticipated by Lake (US Pat. No. 889,693, hereinafter "Lake"). "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1235, 9 USPQ2d 1913,1920 (Fed. Cir. 1989).

Applicant respectfully submits that Lake does not describe "first and second hulls pivotally coupled to said frame" (Claim 1) and so does not anticipate Applicant's claims. Lake's "upper buoyant structure" (Lake, page 5 line 29; page 2, line 28), which includes the "floats" and the frame, or "truss rods," is "a thoroughly rigid structure" (Lake, page 2, lines 81 to 110). Accordingly, Lake does not describe "first and second hulls pivotally coupled to **said frame**," where "**said frame**" is also the frame to which the gondola is "moveably coupled." (Claim 1). Because Lake does not describe each and every element as set forth in Applicant's Claim 1, Applicant respectfully requests that the Examiner withdraw the rejection of Applicant's independent Claim 1. Applicant further respectfully requests that the Examiner withdraw his rejections of dependent Claims 10-12 and 19-22 as being allowable in their own right and as being dependent from an allowable claim. Applicant further respectfully requests that the Examiner withdraw the rejection to Claim 24 based upon similar reasoning: Lake does not describe "first and second hulls pivotally coupled to **said frame**" (Claim 24).